

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7601 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

POONAM @ PURNI K CHHARA

Versus

COMMISSIOER OF POLICE

Appearance:

MR VIJAY H PATEL for Petitioner

Mr U A Trivedi, APP for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 27/11/96

ORAL JUDGEMENT

It is now well settled that on some stray and casual acts, the detenu cannot be branded as a "dangerous person" within the meaning of section 2(c) of the ujarat Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as 'the Act of 1985'). Reference may be made to a decision in the case of M J Shaikh vs. M M Mehta, Commissioner of Police & Ors., reported in

1995 (36) 2 GLR 1268. With the assistance of the learned Advocates, I have perused the materials available on record. There is nothing on record to show on the basis of which the detenu can be branded as "dangerous person" under section 2(c) of the Act of 1985. In view of this, in my opinion, the order of detention is illegal and is not sustainable.

2. In the result, this Special Civil Application is allowed. Order of detention dated 3.9.1996 is quashed and set aside. The detenu shall be released forthwith if not required in any other case. Rule made absolute accordingly.

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